



PATENT
Customer No. 22,852
Attorney Docket No. 02481.1828-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Paulus WOHLFART et al.)
) Group Art Unit: 1614
Application No.: 10/623,775)
) Examiner: Raymond J. Henley III
Filed: July 22, 2003)
)
For: 4-FLUORO-N-INDAN-2-YL)
BENZAMIDE AND ITS USE AS A)
PHARMACEUTICAL)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, Aventis Pharma Deutschland GmbH, duly organized under the laws of Germany and having its principal place of business at Industriepark Höchst, 65926 Frankfurt am Main, Germany, through its attorneys, represents that it is the assignee of the entire right, title, and interest in and to the instant application, Application No. 10/623,775, filed July 22, 2003, for 4-FLUORO-N-INDAN-2-YL BENZAMIDE AND ITS USE AS A PHARMACEUTICAL in the names of Paulus WOHLFART, Teri SUZUKI, Ramalinga M. DHARANIPRAGADA, Alena SAFAROVA, Armin WALSER, and Hartmut STROBEL, as indicated by the executed assignment recorded October 16, 2002, at Reel 013400, Frame 0516 in the parent application, *i.e.*, Application No. 10/073,330,

filed February 13, 2002, which was issued as U.S. Patent No. 6,617,359 B2 on September 9, 2003.

Assignee, Aventis Pharma Deutschland GmbH, further represents, through its attorneys, that it is the assignee of the entire right, title, and interest in and to the U.S. Patent No. 6,617,359 B2 ("the '359 patent") issued on September 9, 2003, for 4-FLUORO-N-INDAN-2-YL BENZAMIDE AND ITS USE AS A PHARMACEUTICAL in the names of Paulus WOHLFART, Teri SUZUKI, Ramalinga M. DHARANIPRAGADA, Alena SAFAROVA, Armin WALSER, and Hartmut STROBEL, as indicated by the executed assignment recorded October 16, 2002, at Reel 013400, Frame 0516.

To obviate an obviousness-type double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the '359 patent. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the '359 patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the '359 patent, as presently shortened by any terminal disclaimer, in the event that the '359 patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a

court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this Disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 18, 2004

By: Carol P. Einaudi
Carol P. Einaudi
Reg. No. 32,220